

ORDINANCE NO. O-2010-2

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF AN IMPROVED ALLEY RIGHT-OF-WAY. THE PORTION OF RIGHT-OF-WAY IS LOCATED AT THE INTERSECTION OF SOUTH SPRING STREET, CONTINUING EAST FOR APPROXIMATELY 160 FEET; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the applicant is requesting the closure of a portion of an improved alley right-of-way that connects to South Spring Avenue. The north side of the alley is adjacent to Lots 2 and 3 of NCB 45A. The south side is adjacent to Lots 5, 8, 9, and 10 of NCB 45A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the public right-of-way described below, and the same is hereby abandoned, vacated and closed insofar as the right, or title of the public is concerned:

A portion of an improved alley right-of-way that connects to South Spring Avenue. The alley is located at the intersection with Spring Street, and continues east for approximately 160 feet. The north side of the alley is adjacent to Lots 2 and 3 of NCB 45A. The south side is adjacent to Lots 5, 8, 9, and 10 of NCB 45A.

PART 2: That closure and abandonment are contingent upon retaining a utility easement across the abandoned lands.

PART 3: That closure and abandonment are contingent upon and will not become effective until and unless the applicant replats the property within six (6) months.

PART 4: That said public right-of-way is not needed for public purposes and it is in the public interest of the City to abandon said described public right-of-way, other than the terms and conditions set out above.

PART 5: That the abandonment provided for herein shall extend only to the public right and title and to the tracts of land described in this ordinance, and shall be construed only to that interest that the governing body of the City of Tyler may legally and lawfully abandon.

PART 6: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

PART 7: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 13th day of January, A.D., 2010.

Barbara Bass
BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Gary C Landers
CITY ATTORNEY